



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111  
• FAX (360) 753-1112 • Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcca.wa.gov](http://www.pdcca.wa.gov)

May 13, 2016

Robert Sheckler  
21630 11<sup>th</sup> Ave. South  
Des Moines, WA 98198

Sent electronically to Robert Sheckler at [shecklers@comcast.net](mailto:shecklers@comcast.net)

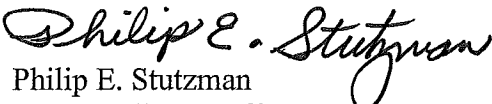
Subject: PDC Case 1154

Dear Mr. Sheckler:

Enclosed is a copy of the Public Disclosure Commission's Order that was entered in the above-referenced case. The Presiding Officer assessed no civil penalty under the authority of RCW 42.17A.755(5) because the violation was unintentional, because of your 20-year history of no violations of RCW 42.17 or RCW 42.17A, and because you diligently filed an amended F-1 report in response to PDC staff's request, following receipt of the complaint.

Thank you for your participation in the Brief Enforcement Hearing. If you have questions, please contact me at (360) 664-8853; or by email at [phil.stutzman@pdcc.wa.gov](mailto:phil.stutzman@pdcc.wa.gov).

Sincerely,

  
Philip E. Stutzman  
Sr. Compliance Officer

Enclosures: Initial Order in Case 1154  
Information about Appeals and Enforcement of Final Orders



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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

Robert Sheckler  
21630 11<sup>th</sup> Ave. South  
Des Moines, WA 98198

In Re Compliance with RCW 42.17A

Robert Sheckler

Respondent.

PDC Case 1154

Findings of Fact,  
Conclusions of Law, and  
Order

A brief enforcement hearing (brief adjudicative proceeding) was held by the Public Disclosure Commission (PDC) on May 11, 2016, in Room 206, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington to consider whether Robert Sheckler violated: (1) RCW 42.17A.710 by failing to timely disclose on his Personal Financial Affairs Statement (PDC Form F-1) and in Part C of the F-1 Supplement, for 2013 activity, travel costs totaling \$2,993 associated with a trip to Miami, Florida, that were paid for by a source other than the City of Des Moines, in this case, by Yareton Investments.

The hearing was held in accordance with Chapters 34.05 and 42.17A RCW and Chapter 390-37 WAC. A brief enforcement hearing notice was sent to Robert Sheckler on April 27, 2016. Commission Chair Katrina Asay was the Presiding Officer. The Commission staff was represented by Phil Stutzman, Sr. Compliance Officer. The Respondent participated by telephone and provided comments to the Presiding Officer.

**Stipulation**

The parties jointly submitted a signed Stipulation as to Facts and Violation (Stipulation). Mr. Stutzman summarized the Stipulation and asked the Presiding Officer to accept the Stipulation and assess a \$500 penalty because reporting travel costs paid for by a source other than the filer's government agency is an important requirement. Mr. Sheckler urged the Commission to accept the Stipulation and waive any penalty under the authority of RCW 42.17A.755(5) because the violation was unintentional, because of his 20-year history of no violations of RCW 42.17 or RCW 42.17A, and because he diligently filed an amended F-1 report in response to PDC staff's request, following receipt of the complaint. The Presiding Officer accepted the Stipulation as to Facts and Violation.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

Based upon the Stipulation, which is hereby attached and incorporated by reference, the Presiding Officer finds:

1. The facts are established as provided in the Stipulation.

CONCLUSIONS OF LAW

Based upon the Stipulation, which is hereby attached and incorporated by reference, the Presiding Officer concludes:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent unintentionally violated RCW 42.17A.710 by failing to timely disclose on his Personal Financial Affairs Statement (PDC Form F-1) and in Part C of the F-1 Supplement, for 2013 activity, travel costs totaling \$2,993 associated with a trip to Miami, Florida, that were paid for by a source other than the City of Des Moines, in this case, by Yareton Investments.

ORDER

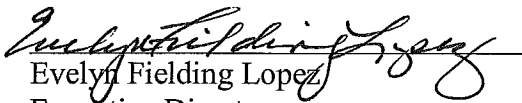
ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed no civil penalty.**

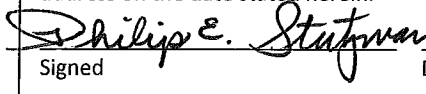
This is an **Initial Order** of the Public Disclosure Commission.

Entered this 31<sup>st</sup> day of May, 2016.

Public Disclosure Commission

  
Evelyn Fielding Lopez  
Executive Director

I, Philip E. Stutzman, certify that I electronically mailed a copy of this order to the Respondent/Applicant at his/her respective electronic address on the date stated herein.

 5/13/16  
Signed Date

Enclosures: Stipulation, and Information about Appeal Rights

**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action  
Against:

Robert Sheckler

Respondent.

Case No. 1154

**STIPULATION AS TO FACTS  
AND VIOLATION**

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Evelyn Fielding Lopez, and Respondent Robert Sheckler, submit this Stipulation as to Facts and Violation in this matter. The parties acknowledge that any violation in this matter was unintentional. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

**JURISDICTION**

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

**FACTS**

1. In May 2013, Yareton Investments was pursuing development of a \$45 million hotel in the City of Des Moines, initially known as the Artemis Hotel, and then as a Four Points Sheraton. Yareton Investments was seeking approval of the project through a federal EB-5 program, which involves receiving green cards in exchange for \$500,000 or more in capital investment.

2. Robert Sheckler served as a Des Moines City Council Member for 20 years from January 1, 1996 through December 31, 2015.
3. On May 10, 2013, Albert Sze, Project Manager for Yareton Investments, arranged a trip for Robert Sheckler and his spouse to travel to Miami, Florida on Friday, May 17, 2013 and return on Monday, May 20, 2013. The travel expenses for the trip totaled \$2,993.04 consisting of \$1,496.52 for Mr. Sheckler and \$1,496.52 for his spouse. The trip was paid for by Yareton Investments.
4. Mr. Sheckler timely filed his Personal Financial Affairs Statement (PDC form F-1) covering 2013 activity on March 9, 2014. However, he did not report the travel costs associated with the Florida trip, paid for by Yareton Investments, on his F-1 Report for 2013 activity. Mr. Sheckler stated he believed he had no obligation to report the travel costs.
5. Mr. Sheckler stated that he did not consider the travel costs paid for by Yareton Investments to be reportable on his F-1 because he was providing tour guide services in exchange for the travel costs. Mr. Sheckler said he and his wife provided tour guide services for two full days for a party of 14 to 16 Chinese speaking individuals, in two different vehicles, with Mr. Sheckler guiding one van and his wife guiding the other van.
6. Mr. Sheckler said it was known by Yareton Investments that he had lived in Miami for a number of years and was qualified to escort their visitors. Mr. Sheckler said he had also worked for Sitmar Cruises (now part of Princess Cruises) part-time while in college, meeting and greeting passengers and making sure that they were comfortable in the cruise environment. Mr. Sheckler provided documents showing that he had lived in Miami for approximately 14 years.
7. Following receipt of the complaint and Mr. Sheckler's initial response, PDC staff explained to Mr. Sheckler that staff disagreed with his conclusion that the travel costs paid for by Yareton Investments were not reportable, and asked him to amend his 2013 F-1 and F-1 Supplement and report the travel costs.

8. On April 27, 2015, in response to staff's request, Mr. Sheckler diligently filed an amended F-1 and F-1 Supplement for 2013, disclosing \$2,993 for expenses associated with his trip to Miami, Florida in May 2013. PDC staff contends that the travel costs were required to be disclosed by April 15, 2014, and were filed 377 days late.
9. Although Mr. Sheckler amended his 2013 F-1 and F-1 Supplement to comply with staff's request, he contends that the travel costs paid for by Yareton Investments were not reportable because he and his wife provided tour guide services in exchange for payment of the travel costs.
10. The Respondent has no prior violations, and his final term of office ended December 31, 2015.

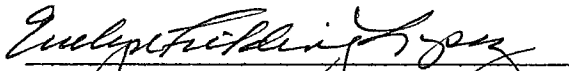
#### STATUTORY AND RULE AUTHORITY

11. **RCW 42.17A.700** requires elected and appointed officials and candidates to file reports of financial affairs and gifts (PDC Form F-1). For elected officials, the reports are required to be filed by April 15<sup>th</sup> of each calendar year.
12. **RCW 42.17A.710** sets for the required contents for the Personal Financial Affairs Statement (PDC form F-1). It states, in part, in subsection (m) that the filer must report: "A list of each occasion, specifying date, donor, and amount, at which items specified in \*\*RCW 42.52.010(10) (d) and (f) were accepted; \*\*(2) RCW 42.52.010 was amended by 2011 c 60 § 28, changing subsection (10)(d) and (f) to subsection (9)(d) and (f).
13. **RCW 42.52.010(9) (d) and (f)** states: (9) (d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event; and (9) (f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event.


#### VIOLATION

14. Based on the Stipulation of Facts set forth above, Respondent Robert Sheckler stipulates that he is willing to accept the finding of an unintentional violation of RCW

42.17A.710 for what PDC staff contends was his failure to timely disclose on his Personal Financial Affairs Statement (PDC Form F-1) and in Part C of the F-1 Supplement, for 2013 activity, travel costs totaling \$2,993 associated with a trip to Miami, Florida, that were paid for by a source other than the City of Des Moines, in this case, by Yareton Investments, even though he contends that these costs were not reportable because they were in exchange for tour guide services.

  
Evelyn Fielding Lopez, Executive Director  
Public Disclosure Commission

5/6/2014  
Date Signed

  
Robert Sheckler, Respondent

5-6-14  
Date Signed

**INFORMATION ABOUT APPEALS OF INITIAL ORDERS,  
FURTHER APPEAL RIGHTS,  
AND ENFORCEMENT OF FINAL ORDERS**

**APPEALS**

**REVIEW OF INITIAL ORDER - BY THE COMMISSION**

The presiding officer will issue an initial order following a brief enforcement hearing. Any party may request the Commission **review** an initial order. Parties seeking the review must:

- Make the request orally or in writing, stating the reason for review. *WAC 390-37-144.*
- Deliver the request so it is received at the Commission office within **TWENTY-ONE (21) BUSINESS DAYS** after the postmark date of the initial order.

A Respondent does not need to pay a penalty until after the Commission rules on the request. If the Commission is unable to schedule a meeting to consider the request within twenty (20) business days, the initial order becomes a **final order** and the request will automatically be treated as a **request for reconsideration** of a final order (unless the party advises the Commission otherwise, such as by withdrawing the request). See more information on reconsideration below.

If the request for review was an oral request, it must now be confirmed in writing. The matter will be scheduled before the full Commission as soon as practicable. If the Commission does not receive a request for review within twenty-one (21) business days, the initial order will automatically become a **final order**. At that point, the Respondent is legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. *RCW 42.17A.755; RCW 34.05.470; RCW 34.05.570.*

**RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION**

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150.*

- Note: the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). (The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

### **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

A **final order** issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

### **ENFORCEMENT OF FINAL ORDERS**

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.